

AMENDED IN SENATE AUGUST 22, 2014

AMENDED IN SENATE JUNE 24, 2014

AMENDED IN SENATE MAY 27, 2014

AMENDED IN ASSEMBLY JANUARY 15, 2014

AMENDED IN ASSEMBLY JANUARY 6, 2014

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1256

Introduced by Assembly Member Bloom

February 22, 2013

An act to amend Section 1708.8 of, and to add Section 1708.9 to, the Civil Code, relating to civil law.

LEGISLATIVE COUNSEL'S DIGEST

AB 1256, as amended, Bloom. Civil law: privacy: entry and exit of facilities.

Existing law provides that a person is liable for physical invasion of privacy when the defendant knowingly enters onto the land of another person without permission or otherwise commits a trespass in order to physically invade the privacy of the plaintiff with the intent to capture any type of visual image, sound recording, or other physical impression of the plaintiff engaging in a personal or familial activity and the physical invasion occurs in a manner that is offensive to a reasonable person.

This bill would recast these provisions to instead provide that a person is liable for a physical invasion of privacy when the defendant

knowingly enters onto the land of another person without permission or otherwise commits a trespass with the intent to capture any type of visual image, sound recording, or other physical impression of the plaintiff engaging in a private, personal, or familial activity and the invasion occurs in a manner that is offensive to a reasonable person. The bill would define “private, personal, or familial activity,” as specified, and provide that this definition applies to physical and constructive invasion of privacy.

Existing law provides that it is a crime punishable by a fine not exceeding \$500, by imprisonment in a county jail for a period of not more than 6 months, or by both that fine and imprisonment, or by a greater fine and a longer period of imprisonment if the defendant has been previously convicted of a specified violation of law, to come into any school building or upon any school grounds, without lawful business thereon, if the defendant’s presence or act interferes with the peaceful conduct of the activities of the school or disrupts the school or its pupils or school activities and the defendant remains there after being asked to leave, reenters or comes upon that place within 7 days of being asked to leave, has otherwise established a continued pattern of unauthorized entry, or willfully or knowingly creates a disruption with the intent to threaten the immediate physical safety of any pupil in preschool, kindergarten, or any of grades 1 to 8, inclusive, arriving at, attending, or leaving from school, as specified.

This bill would provide that it is unlawful for any person, except a parent or guardian acting toward his or her minor child, to, by force, threat of force, or physical obstruction that is a crime of violence, intentionally injure, intimidate, interfere with, or attempt to injure, intimidate, or interfere with any person attempting to enter or exit a facility, or to, by nonviolent physical obstruction, intentionally injure, intimidate, interfere with, or attempt to injure, intimidate, or interfere with any person attempting to enter or exit a facility. The bill would define “facility” for purposes of these provisions as any public or private school grounds, or any health facility. The bill would authorize a person aggrieved by a violation of these provisions to bring a civil action to enjoin the violation, for compensatory and punitive damages, for injunctive relief, and for the cost of suit and reasonable attorney’s and expert witness’ fees, or with respect to compensatory damages, to elect, in lieu of actual damages, an award of statutory damages, as specified. The bill would also authorize the Attorney General, a district attorney, or a city attorney to bring a civil action to enjoin a violation of these

provisions, for compensatory damages to persons and entities aggrieved by the violation, and for the imposition of a civil penalty, as specified.

This bill would incorporate additional changes to Section 1708.8 of the Civil Code proposed by AB 2306 that would become operative if this bill and AB 2306 are both enacted and this bill is enacted last.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1708.8 of the Civil Code is amended to
2 read:

3 1708.8. (a) A person is liable for physical invasion of privacy
4 when the defendant knowingly enters onto the land of another
5 person without permission or otherwise committed a trespass in
6 order to capture any type of visual image, sound recording, or other
7 physical impression of the plaintiff engaging in a private, personal,
8 or familial activity and the invasion occurs in a manner that is
9 offensive to a reasonable person.

10 (b) A person is liable for constructive invasion of privacy when
11 the defendant attempts to capture, in a manner that is offensive to
12 a reasonable person, any type of visual image, sound recording,
13 or other physical impression of the plaintiff engaging in a private,
14 personal, or familial activity, through the use of a visual or auditory
15 enhancing device, regardless of whether there is a physical trespass,
16 if this image, sound recording, or other physical impression could
17 not have been achieved without a trespass unless the visual or
18 auditory enhancing device was used.

19 (c) An assault or false imprisonment committed with the intent
20 to capture any type of visual image, sound recording, or other
21 physical impression of the plaintiff is subject to subdivisions (d),
22 (e), and (h).

23 (d) A person who commits any act described in subdivision (a),
24 (b), or (c) is liable for up to three times the amount of any general
25 and special damages that are proximately caused by the violation
26 of this section. This person may also be liable for punitive damages,
27 subject to proof according to Section 3294. If the plaintiff proves
28 that the invasion of privacy was committed for a commercial
29 purpose, the defendant shall also be subject to disgorgement to the
30 plaintiff of any proceeds or other consideration obtained as a result

1 of the violation of this section. A person who comes within the
2 description of this subdivision is also subject to a civil fine of not
3 less than five thousand dollars (\$5,000) and not more than fifty
4 thousand dollars (\$50,000).

5 (e) A person who directs, solicits, actually induces, or actually
6 causes another person, regardless of whether there is an
7 employer-employee relationship, to violate any provision of
8 subdivision (a), (b), or (c) is liable for any general, special, and
9 consequential damages resulting from each said violation. In
10 addition, the person that directs, solicits, actually induces, or
11 actually causes another person, regardless of whether there is an
12 employer-employee relationship, to violate this section shall be
13 liable for punitive damages to the extent that an employer would
14 be subject to punitive damages pursuant to subdivision (b) of
15 Section 3294. A person who comes within the description of this
16 subdivision is also subject to a civil fine of not less than five
17 thousand dollars (\$5,000) and not more than fifty thousand dollars
18 (\$50,000).

19 (f) (1) The transmission, publication, broadcast, sale, offer for
20 sale, or other use of any visual image, sound recording, or other
21 physical impression that was taken or captured in violation of
22 subdivision (a), (b), or (c) shall not constitute a violation of this
23 section unless the person, in the first transaction following the
24 taking or capture of the visual image, sound recording, or other
25 physical impression, publicly transmitted, published, broadcast,
26 sold or offered for sale, the visual image, sound recording, or other
27 physical impression with actual knowledge that it was taken or
28 captured in violation of subdivision (a), (b), or (c), and provide
29 compensation, consideration, or remuneration, monetary or
30 otherwise, for the rights to the unlawfully obtained visual image,
31 sound recording, or other physical impression.

32 (2) For the purposes of paragraph (1), “actual knowledge” means
33 actual awareness, understanding, and recognition, obtained prior
34 to the time at which the person purchased or acquired the visual
35 image, sound recording, or other physical impression, that the
36 visual image, sound recording, or other physical impression was
37 taken or captured in violation of subdivision (a), (b), or (c). The
38 plaintiff shall establish actual knowledge by clear and convincing
39 evidence.

1 (3) Any person that publicly transmits, publishes, broadcasts,
2 sells, or offers for sale, in any form, medium, format, or work, a
3 visual image, sound recording, or other physical impression that
4 was previously publicly transmitted, published, broadcast, sold,
5 or offered for sale, by another person, is exempt from liability
6 under this section.

7 (4) If a person's first public transmission, publication, broadcast,
8 or sale or offer for sale, of a visual image, sound recording, or
9 other physical impression that was taken or captured in violation
10 of subdivision (a), (b), or (c), does not constitute a violation of this
11 section, that person's subsequent public transmission, publication,
12 broadcast, sale, or offer for sale, in any form, medium, format, or
13 work, of the visual image, sound recording, or other physical
14 impression, does not constitute a violation of this section.

15 (5) This section applies only to a visual image, sound recording,
16 or other physical impression that is captured or taken in California
17 in violation of subdivision (a), (b), or (c) after January 1, 2010,
18 and shall not apply to any visual image, sound recording, or other
19 physical impression taken or captured outside of California.

20 (6) Nothing in this subdivision shall be construed to impair or
21 limit a special motion to strike pursuant to Section 425.16, 425.17,
22 or 425.18 of the Code of Civil Procedure.

23 (7) This section shall not be construed to limit all other rights
24 or remedies of the plaintiff in law or equity, including, but not
25 limited to, the publication of private facts.

26 (g) This section shall not be construed to impair or limit any
27 otherwise lawful activities of law enforcement personnel or
28 employees of governmental agencies or other entities, either public
29 or private who, in the course and scope of their employment, and
30 supported by an articulable suspicion, attempt to capture any type
31 of visual image, sound recording, or other physical impression of
32 a person during an investigation, surveillance, or monitoring of
33 any conduct to obtain evidence of suspected illegal activity or
34 other misconduct, the suspected violation of any administrative
35 rule or regulation, a suspected fraudulent conduct, or any activity
36 involving a violation of law or business practices or conduct of
37 public officials adversely affecting the public welfare, health, or
38 safety.

39 (h) In any action pursuant to this section, the court may grant
40 equitable relief, including, but not limited to, an injunction and

1 restraining order against further violations of subdivision (a), (b),
2 or (c).

3 (i) The rights and remedies provided in this section are
4 cumulative and in addition to any other rights and remedies
5 provided by law.

6 (j) It is not a defense to a violation of this section that no image,
7 recording, or physical impression was captured or sold.

8 (k) For the purposes of this section, “for a commercial purpose”
9 means any act done with the expectation of a sale, financial gain,
10 or other consideration. A visual image, sound recording, or other
11 physical impression shall not be found to have been, or intended
12 to have been, captured for a commercial purpose unless it is
13 intended to be, or was in fact, sold, published, or transmitted.

14 (l) (1) For the purposes of this section, “private, personal, and
15 familial activity” includes, but is not limited to:

16 (A) Intimate details of the plaintiff’s personal life under
17 circumstances in which the plaintiff has a reasonable expectation
18 of privacy.

19 (B) Interaction with the plaintiff’s family or significant others
20 under circumstances in which the plaintiff has a reasonable
21 expectation of privacy.

22 (C) If and only after the defendant has been convicted of
23 violating Section 626.8 of the Penal Code, any activity that occurs
24 when minors are present at any location set forth in subdivision
25 (a) of Section 626.8 of the Penal Code.

26 (D) Any activity that occurs on a residential property under
27 circumstances in which the plaintiff has a reasonable expectation
28 of privacy.

29 (E) Other aspects of the plaintiff’s private affairs or concerns
30 under circumstances in which the plaintiff has a reasonable
31 expectation of privacy.

32 (2) “Private, personal, and familial activity” does not include
33 illegal or otherwise criminal activity as delineated in subdivision
34 (g). However, “private, personal, and familial activity” shall include
35 the activities of victims of crime in circumstances under which
36 subdivision (a), (b), or (c) would apply.

37 (m) (1) A proceeding to recover the civil fines specified in
38 subdivision (d) or (e) may be brought in any court of competent
39 jurisdiction by a county counsel or city attorney.

(2) Fines collected pursuant to this subdivision shall be allocated, as follows:

(A) One-half shall be allocated to the prosecuting agency.

(B) One-half shall be deposited in the Arts and Entertainment Fund, which is hereby created in the State Treasury.

(3) Funds in the Arts and Entertainment Fund created pursuant to paragraph (2) may be expended by the California Arts Council, upon appropriation by the Legislature, to issue grants pursuant to the Dixon-Zenovich-Maddy California Arts Act of 1975 (Chapter 9 (commencing with Section 8750) of Division 1 of Title 2 of the Government Code).

(4) The rights and remedies provided in this subdivision are cumulative and in addition to any other rights and remedies provided by law.

(n) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 1.5. Section 1708.8 of the Civil Code is amended to read:

1708.8. (a) A person is liable for physical invasion of privacy when the defendant knowingly enters onto the land of another person without permission or otherwise committed a trespass in order to ~~physically invade the privacy of the plaintiff with the intent to~~ capture any type of visual image, sound recording, or other physical impression of the plaintiff engaging in a ~~personal~~ *private, personal, or* familial activity and the ~~physical~~ invasion occurs in a manner that is offensive to a reasonable person.

(b) A person is liable for constructive invasion of privacy when the defendant attempts to capture, in a manner that is offensive to a reasonable person, any type of visual image, sound recording, or other physical impression of the plaintiff engaging in a ~~personal or familial activity under circumstances in which the plaintiff had a reasonable expectation of privacy,~~ *private, personal, or familial activity*, through the use of a ~~visual or auditory enhancing~~ any device, regardless of whether there is a physical trespass, if this image, sound recording, or other physical impression could not have been achieved without a trespass unless the ~~visual or auditory enhancing~~ device was used.

(c) An assault or false imprisonment committed with the intent to capture any type of visual image, sound recording, or other

1 physical impression of the plaintiff is subject to subdivisions (d),
2 (e), and (h).

3 (d) A person who commits any act described in subdivision (a),
4 (b), or (c) is liable for up to three times the amount of any general
5 and special damages that are proximately caused by the violation
6 of this section. This person may also be liable for punitive damages,
7 subject to proof according to Section 3294. If the plaintiff proves
8 that the invasion of privacy was committed for a commercial
9 purpose, the defendant shall also be subject to disgorgement to the
10 plaintiff of any proceeds or other consideration obtained as a result
11 of the violation of this section. A person who comes within the
12 description of this subdivision is also subject to a civil fine of not
13 less than five thousand dollars (\$5,000) and not more than fifty
14 thousand dollars (\$50,000).

15 (e) A person who directs, solicits, actually induces, or actually
16 causes another person, regardless of whether there is an
17 employer-employee relationship, to violate any provision of
18 subdivision (a), (b), or (c) is liable for any general, special, and
19 consequential damages resulting from each said violation. In
20 addition, the person that directs, solicits, actually induces, or
21 actually causes another person, regardless of whether there is an
22 employer-employee relationship, to violate this section shall be
23 liable for punitive damages to the extent that an employer would
24 be subject to punitive damages pursuant to subdivision (b) of
25 Section 3294. A person who comes within the description of this
26 subdivision is also subject to a civil fine of not less than five
27 thousand dollars (\$5,000) and not more than fifty thousand dollars
28 (\$50,000).

29 (f) (1) The transmission, publication, broadcast, sale, offer for
30 sale, or other use of any visual image, sound recording, or other
31 physical impression that was taken or captured in violation of
32 subdivision (a), (b), or (c) shall not constitute a violation of this
33 section unless the person, in the first transaction following the
34 taking or capture of the visual image, sound recording, or other
35 physical impression, publicly transmitted, published, broadcast,
36 ~~sold~~ *sold*, or offered for ~~sale~~, *sale* the visual image, sound
37 recording, or other physical impression with actual knowledge that
38 it was taken or captured in violation of subdivision (a), (b), or (c),
39 and ~~provide~~ *provided* compensation, consideration, or
40 remuneration, monetary or otherwise, for the rights to the

1 unlawfully obtained visual image, sound recording, or other
2 physical impression.

3 (2) For the purposes of paragraph (1), “actual knowledge” means
4 actual awareness, understanding, and recognition, obtained prior
5 to the time at which the person purchased or acquired the visual
6 image, sound recording, or other physical impression, that the
7 visual image, sound recording, or other physical impression was
8 taken or captured in violation of subdivision (a), (b), or (c). The
9 plaintiff shall establish actual knowledge by clear and convincing
10 evidence.

11 (3) Any person that publicly transmits, publishes, broadcasts,
12 ~~sells~~ *sells*, or offers for sale, in any form, medium, ~~format~~ *format*,
13 or work, a visual image, sound recording, or other physical
14 impression that was previously publicly transmitted, published,
15 broadcast, ~~sold~~ *sold*, or offered for ~~sale~~, *sale* by another person, is
16 exempt from liability under this section.

17 (4) If a person’s first public transmission, publication, broadcast,
18 or sale or offer for ~~sale~~, *sale* of a visual image, sound recording,
19 or other physical impression that was taken or captured in violation
20 of subdivision (a), (b), or ~~(c)~~, (c) does not constitute a violation of
21 this section, that person’s subsequent public transmission,
22 publication, broadcast, ~~sale~~ *sale*, or offer for sale, in any form,
23 medium, ~~format~~ *format*, or work, of the visual image, sound
24 recording, or other physical impression, does not constitute a
25 violation of this section.

26 (5) This section applies only to a visual image, sound recording,
27 or other physical impression that is captured or taken in California
28 in violation of subdivision (a), (b), or (c) after January 1, 2010,
29 and shall not apply to any visual image, sound recording, or other
30 physical impression taken or captured outside of California.

31 (6) Nothing in this subdivision shall be construed to impair or
32 limit a special motion to strike pursuant to Section 425.16, 425.17,
33 or 425.18 of the Code of Civil Procedure.

34 (7) This section shall not be construed to limit all other rights
35 or remedies of the plaintiff in law or equity, including, but not
36 limited to, the publication of private facts.

37 (g) This section shall not be construed to impair or limit any
38 otherwise lawful activities of law enforcement personnel or
39 employees of governmental agencies or other entities, either public
40 or private who, in the course and scope of their employment, and

1 supported by an articulable suspicion, attempt to capture any type
2 of visual image, sound recording, or other physical impression of
3 a person during an investigation, surveillance, or monitoring of
4 any conduct to obtain evidence of suspected illegal activity or
5 other misconduct, the suspected violation of any administrative
6 rule or regulation, a suspected fraudulent conduct, or any activity
7 involving a violation of law or business practices or conduct of
8 public officials adversely affecting the public welfare, ~~health~~
9 *health*, or safety.

10 (h) In any action pursuant to this section, the court may grant
11 equitable relief, including, but not limited to, an injunction and
12 restraining order against further violations of subdivision (a), (b),
13 or (c).

14 (i) The rights and remedies provided in this section are
15 cumulative and in addition to any other rights and remedies
16 provided by law.

17 (j) It is not a defense to a violation of this section that no image,
18 recording, or physical impression was captured or sold.

19 (k) For the purposes of this section, “for a commercial purpose”
20 means any act done with the expectation of a sale, financial gain,
21 or other consideration. A visual image, sound recording, or other
22 physical impression shall not be found to have been, or intended
23 to have ~~been~~ *been*, captured for a commercial purpose unless it is
24 intended to be, or was in fact, sold, published, or transmitted.

25 (l) *(1) For the purposes of this section, “private, personal, and*
26 *familial activity” includes, but is not limited to:*

27 *(A) Intimate details of the plaintiff’s personal life under*
28 *circumstances in which the plaintiff has a reasonable expectation*
29 *of privacy.*

30 *(B) Interaction with the plaintiff’s family or significant others*
31 *under circumstances in which the plaintiff has a reasonable*
32 *expectation of privacy.*

33 *(C) If and only after the defendant has been convicted of*
34 *violating Section 626.8 of the Penal Code, any activity that occurs*
35 *when minors are present at any location set forth in subdivision*
36 *(a) of Section 626.8 of the Penal Code.*

37 *(D) Any activity that occurs on a residential property under*
38 *circumstances in which the plaintiff has a reasonable expectation*
39 *of privacy.*

1 (E) *Other aspects of the plaintiff's private affairs or concerns*
2 *under circumstances in which the plaintiff has a reasonable*
3 *expectation of privacy.*

4 ~~(f) For the purposes of this section, "personal~~

5 (2) *"Private, personal, and familial activity"* ~~includes, but is~~
6 ~~not limited to, intimate details of the plaintiff's personal life,~~
7 ~~interactions with the plaintiff's family or significant others, or~~
8 ~~other aspects of the plaintiff's private affairs or concerns. "Personal~~
9 ~~and familial activity"~~ does not include illegal or otherwise criminal
10 activity as delineated in subdivision (g). However, ~~"personal~~
11 ~~"private, personal, and familial activity"~~ shall include the activities
12 of victims of crime in circumstances under which subdivision (a),
13 (b), or (c) would apply.

14 (m) (1) A proceeding to recover the civil fines specified in
15 subdivision (d) or (e) may be brought in any court of competent
16 jurisdiction by a county counsel or city attorney.

17 (2) Fines collected pursuant to this subdivision shall be allocated,
18 as follows:

19 (A) One-half shall be allocated to the prosecuting agency.

20 (B) One-half shall be deposited in the Arts and Entertainment
21 Fund, which is hereby created in the State Treasury.

22 (3) Funds in the Arts and Entertainment Fund created pursuant
23 to paragraph (2) may be expended by the California Arts Council,
24 upon appropriation by the Legislature, to issue grants pursuant to
25 the Dixon-Zenovich-Maddy California Arts Act of 1975 (Chapter
26 9 (commencing with Section 8750) of Division 1 of Title 2 of the
27 Government Code).

28 (4) The rights and remedies provided in this subdivision are
29 cumulative and in addition to any other rights and remedies
30 provided by law.

31 (n) The provisions of this section are severable. If any provision
32 of this section or its application is held invalid, that invalidity shall
33 not affect other provisions or applications that can be given effect
34 without the invalid provision or application.

35 SEC. 2. Section 1708.9 is added to the Civil Code, to read:

36 1708.9. (a) It is unlawful for any person, except a parent or
37 guardian acting toward his or her minor child, to commit any of
38 the following acts:

39 (1) By force, threat of force, or physical obstruction that is a
40 crime of violence, to intentionally injure, intimidate, interfere with,

1 or attempt to injure, intimidate, or interfere with, any person
2 attempting to enter or exit a facility.

3 (2) By nonviolent physical obstruction, to intentionally injure,
4 intimidate, interfere with, or attempt to injure, intimidate, or
5 interfere with, any person attempting to enter or exit a facility.

6 (b) For purposes of this section:

7 (1) “Facility” means any public or private school grounds, as
8 described in subdivision (a) of Section 626.8 of the Penal Code,
9 or any health facility, as described in Section 1250 of the Health
10 and Safety Code.

11 (2) To “interfere” means to restrict a person’s freedom of
12 movement.

13 (3) To “intimidate” means to place a person in reasonable
14 apprehension of bodily harm to himself, herself, or another person.

15 (4) “Nonviolent” means conduct that would not constitute a
16 crime of violence.

17 (5) “Physical obstruction” means rendering ingress to or egress
18 from a facility impassable to another person, or rendering passage
19 to or from a facility unreasonably difficult or hazardous to another
20 person.

21 (c) A person aggrieved by a violation of subdivision (a) may
22 bring a civil action to enjoin the violation, for compensatory and
23 punitive damages, for injunctive relief, and for the cost of suit and
24 reasonable attorney’s and expert witness’ fees. With respect to
25 compensatory damages, the plaintiff may elect, at any time prior
26 to the rendering of a final judgment, to recover, in lieu of actual
27 damages, an award of statutory damages in the amount of five
28 thousand dollars (\$5,000) per violation of paragraph (1) of
29 subdivision (a), and one thousand dollars (\$1,000) per violation
30 of paragraph (2) of subdivision (a).

31 (d) The Attorney General, a district attorney, or a city attorney
32 may bring a civil action to enjoin a violation of subdivision (a),
33 for compensatory damages to persons or entities aggrieved by the
34 violation, and for the imposition of a civil penalty against each
35 respondent. The civil penalty for a violation of paragraph (1) of
36 subdivision (a) shall not exceed fifteen thousand dollars (\$15,000),
37 or twenty-five thousand dollars (\$25,000) for a second or
38 subsequent violation. The civil penalty for a violation of paragraph
39 (2) of subdivision (a) shall not exceed five thousand dollars

1 (\$5,000), or twenty-five thousand dollars (\$25,000) for a second
2 or subsequent violation.

3 (e) This section shall not be construed to impair the right to
4 engage in any constitutionally protected activity, including, but
5 not limited to, speech, protest, or assembly.

6 (f) The adoption of the act that added this section is an exercise
7 of the police power of the state for purposes of protecting the
8 health, safety, and welfare of the people of California, and this
9 section shall be liberally construed to effectuate that purpose.

10 (g) This section shall not be construed to restrict, inhibit,
11 prevent, or bring a chilling effect upon any actions by a person
12 that are reasonable under the circumstances to protect, secure,
13 provide safety to, or prevent illness in any child or adult in a
14 facility.

15 *SEC. 3. Section 1.5 of this bill incorporates amendments to*
16 *Section 1708.8 of the Civil Code proposed by both this bill and*
17 *AB 2306. It shall only become operative if (1) both bills are enacted*
18 *and become effective on or before January 1, 2015, (2) each bill*
19 *amends Section 1708.8 of the Civil Code, and (3) this bill is enacted*
20 *after AB 2306, in which case Section 1 of this bill shall not become*
21 *operative.*